

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:	§	
THE GATEWAY VENTURES, LLC,	§	Case No. 21-30071-hcm
Debtor.	§	
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WESTAR INVESTORS GROUP, LLC,	§	
SUHAIL BAWA, and SALEEM MAKANI,	§	
	§	
Plaintiffs	§	
	§	
v.	§	Adversary No. 21-03009-hcm
	§	
	§	
THE GATEWAY VENTURES, LLC,	§	
PDG PRESTIGE, INC., MICHAEL DIXSON,	§	
SURESH KUMAR, and BANKIM BHATT,	§	
	§	
Defendants.	§	

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CHANTEL CREWS of the law firm of AINSA HUTSON HESTER & CREWS LLP (“Counsel”), counsel of record for THE GATEWAY VENTURES, LLC, PDG PRESTIGE, INC., and MICHAEL DIXSON (“Mr. Dixon”) (collectively, “The Gateway Defendants”), and files this Motion to Withdraw as Counsel for The Gateway Defendants. Good cause exists for the withdrawal of Counsel due to the following:

I. BACKGROUND

1. This case was originally filed in state court on March 10, 2020 styled *Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani v. The Gateway Ventures, LLC, PDG Prestige, Inc., Michael Dixon, Suresh Kumar, and Bankim Bhatt*, In the County Court at Law Number Six, El Paso County, Texas, Cause No. 2020DCV0914 (“Suit”), and The Gateway Defendants filed an Answer on May 4, 2020. The Gateway Defendants had previously engaged the undersigned Counsel and her firm to represent them in related litigation to the Suit and involving the same property at issue in the Suit. The Gateway Defendants engaged the undersigned Counsel and her firm based on the agreement that payment would be required for legal services provided on behalf of The Gateway Defendants, as well as Defendant Mr. Dixon and his other business entities in other legal matters. Contrary to The Gateway Defendants’ agreement with the undersigned Counsel, however, The Gateway Defendants have failed to abide by the terms of the undersigned Counsel’s engagement agreement and have not paid the outstanding invoices in this matter and other legal matters. This has created a great financial hardship for the undersigned Counsel, and continued representation of The Gateway Defendants would create an even greater financial hardship for the undersigned Counsel.

3. Furthermore, the lines of communication between the undersigned Counsel and The Gateway Defendants have been irreparably strained to the point that continued representation would be untenable for the undersigned Counsel.

4. On February 2, 2021, The Gateway Ventures, LLC filed its voluntary petition to commence Chapter 11 proceedings. The Gateway Ventures, LLC did not advise the undersigned Counsel of the filing.

5. On February 16, 2021, PDG Prestige, Inc. filed a voluntary petition to commence

Chapter 11 proceedings. PDG Prestige, Inc. did not advise the undersigned Counsel of the filing.

6. During the status hearing for this adversary proceeding held on May 26, 2021, bankruptcy counsel for The Gateway Ventures, LLC and PDG Prestige, Inc. indicated he did not know of any objection to this motion to withdraw.

7. Similarly, during the status hearing for this adversary proceeding held on May 26, 2021, Mr. Dixon stated he did not object to this motion to withdraw, and told the Court he would have new counsel by Friday, May 28, 2021. As of filing this motion, no attorney has entered an appearance for Mr. Dixon. The undersigned Counsel has no information regarding Mr. Dixon's new counsel and can only assume he is proceeding pro se in this matter.

II. ARGUMENT:

8. There is good cause for this Court to grant the motion to withdraw. First, Defendants have not paid the undersigned Counsel's outstanding invoices in this matter. The undersigned Counsel has provided notice of intent to withdraw from this matter and all other matters where the undersigned Counsel has represented Defendant Mr. Dixon and his business entities on October 23, 2020, then again on December 9, 2020, and then again on January 21, 2021. The Gateway Defendants received notice of the filing of the motions to withdraw from the Suit and all other matters pending in state court on February 10, 2021. The undersigned Counsel's outstanding invoices still remain unpaid causing great financial hardship on the undersigned Counsel. There is no question The Gateway Defendants have been on notice regarding the financial issues raised in this motion to withdraw. The Gateway Defendants have been fully aware of their payment obligations in this matter since the beginning of the undersigned Counsel's involvement in this matter.

9. Furthermore, representation in this matter has been rendered unreasonably difficult

by The Gateway Defendants based on failure of communication.

10. The adversary proceeding has only just been filed and has not been set for trial. The parties engaged in some written discovery in the Suit before the case was removed to this Court.

11. A copy of this Motion has been sent to Mr. Dixon individually and on behalf of The Gateway Defendants via electronic mail at mike@pdgnm.com and via Certified and U.S. Mail at 5996 Ojo de Agua, El Paso, Texas 79912 and at 780 N. Resler Drive, Suite B, El Paso, TX 79912, on June 2, 2021. The Gateway Defendants have indicated in open court through bankruptcy counsel and Mr. Dixon that they do not object to the undersigned Counsel's motion to withdraw. However, despite the undersigned Counsel's request to Mr. Dixon for a written confirmation from Mr. Dixon regarding The Gateway Defendants consenting to this Motion to Withdraw, Mr. Dixon has not provided such confirmation. The undersigned Counsel also provided all known remaining deadlines in this matter to Defendants. *See* Ex. 1, attached.

12. The undersigned Counsel has consulted with counsel for Plaintiffs, counsel for Defendant Kumar, and counsel for Defendant Bhatt regarding this motion to withdraw, and all counsel indicated they did not oppose the motion to withdraw.

13. At the time of filing this Motion to Withdraw, no successor attorney is known. The last known mailing address and telephone numbers for The Gateway Defendants are as follows:

The Gateway Ventures, LLC
780 N. Resler, Suite B
El Paso, TX 79912
(915) 243-0720 or (505) 795-3551

PDG Prestige, Inc.
780 N. Resler, Suite B
El Paso, TX 79912
(915) 243-0720 or (505) 795-3551

Michael J. Dixon
5996 Ojo de Agua
El Paso, Texas 79912
(505) 795-3551

WHEREFORE, PREMISES CONSIDERED, CHANTEL CREWS of the law firm AINSA HUTSON HESTER & CREWS LLP respectfully request the Court to permit her to withdraw as attorney of record for Defendants. A proposed order is attached hereto as Exhibit 2.

Respectfully submitted,

AINSA HUTSON HESTER & CREWS, LLP
5809 Acacia Circle
El Paso, TX 79912
(915) 845-5300
(915) 845-7800 FAX

By: /s/ Chantel Crews
Chantel Crews
Texas State Bar No. 24007050
c crews@acaciapark.com

CERTIFICATE OF CONFERENCE

The undersigned sent a draft of this Motion to Michael Dixon, individually and as principal of The Gateway Ventures, LLC and PDG Prestige, Inc. via email on June 1, 2021 as well as to Jeff Carruth, bankruptcy counsel for The Gateway Ventures, LLC and PDG Prestige, Inc. via email. The undersigned Counsel received no response. However, both Mr. Carruth and Mr. Dixon stated in open court The Gateway Defendants did not oppose this motion. The undersigned also consulted with counsel for Plaintiffs, counsel for Defendant Kumar, and counsel for Defendant Bhatt regarding this motion to withdraw, and all counsel indicated they did not oppose the motion to withdraw.

/s/ Chantel Crews
CHANTEL CREWS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was sent via the Court's efiletexas.gov system and/or via email or mail this 2nd day of June, 2021, to the following party and attorneys of record:

Via Electronic Mail:

Michael J. Dixon
mike@pdgnm.com
5996 Ojo de Agua
El Paso, Texas 79912

Via ECF Service and Electronic Mail:

Jeff Carruth
jcarruth@wkpz.com
Weycer, Kaplan, Pulaski & Zuber, P.C.
3030 Matlock Rd., Suite 201
Arlington, Texas 76015

Via ECF Service and Electronic Mail:

Eric C. Wood
eric@brownfoxlaw.com
8111 Preston Road, Ste. 300
Dallas, Texas 75225

Via ECF Service and Electronic Mail:

Harrel L. Davis, III
hdavis@eplawyers.com
Gordon Davis Johnson & Shane, P.C.
4695 N. Mesa St.
El Paso, Texas 79912

Via ECF Service and Electronic Mail:

Jeff T. Lucky
jlucky@raylaw.com
Aldo R. Lopez
alopez@raylaw.com
Ray Pena McChristian, PC
5822 Cromo Dr.
El Paso, Texas 79912

/s/ Chantel Crews
CHANTEL CREWS